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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,457	10/20/2000	Takashi Ida	198803US2SRD	6204
22850	7590	09/08/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				LE, BRIAN Q
ART UNIT		PAPER NUMBER		
				2623

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/692,457	IDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian Q. Le	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on June 20, 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4, 6, 7 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4, 6, 7 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **Response to Amendment and Arguments**

1. Applicant's amendment filed June 20, 2005, has been entered and made of record.
2. The rejection of claims 4, 6, 7 and 18 under 35 U.S.C. 112, first paragraph is withdrawn.
3. Applicant's arguments with regard to claims 4, 6, 7 and 18 have been fully considered, but are not considered persuasive because of the following reasons:

Regarding claim 4, the Applicant argues (page 10) that Sambonsugi does not teach a concept of obtaining candidate region, which exhibits a largest difference among a plurality of differences. The Examiner respectfully disagrees. As indicated in previous Office Action, the absolute difference disclosed by Sambonsugi can be interpreted as largest different mathematically unless the Applicant can further specify of how the largest difference is obtained. A supplement paper ([www.mathwords.com](http://www.mathwords.com)) is disclosed with this action to show the "Absolute Value Rules" in Math. This would able to illustrate to the Applicant of why one skilled in the art would able to interpret "largest difference" is equivalent to "absolute difference".

Thus, the rejections of all of the claims are maintained.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 4, 6-7, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sambonsugi U.S. Patent 6,335,985.

Regarding claim 4, Sambonsugi teaches an object extraction method (abstract, last 3 lines; FIG. 1, element 2; FIG. 27, element 224) comprising:

Preparing a plurality of candidate regions of shape data on a frame including an object to be extracted and a background (FIG. 8 and FIG. 47); and

Setting as a provisional region of the object, one of the candidate regions which exhibits a largest difference (absolute difference) among a plurality of differences acquired by obtaining a difference between each candidate region of the candidate regions and the background (FIG. 46, S 11 and S14 and column 43, lines 10-30) (column 6, lines 60-65; column 25, lines 5-12); and

Matching a contour of the initial shape data to a contour of the extraction object by using current image data and the initial shape data (FIG. 48, S31-S36), the current image data obtained by image capturing.

Referring to claim 6, Sambonsugi further teaches the method wherein setting comprises comparing the current image data with background image data acquired in advance without capturing the object, and setting a region in which the current image data differs in value from the background image data as a provisional region of the extraction object (FIG. 47, S14; FIG. 8; FIG. 13, FIG. 14A-B and FIG. 15).

For claim 7, Sambonsugi teaches the method wherein the setting comprises, holding image data of a frame from which a region of the object has already been obtained and shape data as reference image data and reference shape data, respectively, performing motion detection with respect to the current input image data corresponding to the first image data by referring to the reference image data, and performing motion compensation for the reference shape data on

the basis of the motion detection result to generate the initial shape data (FIG. 5; FIG. 6 and FIG. 47).

Referring to claim 18, Sambonsugi also discloses the method wherein the setting includes calculating an average of the pixel values of the candidate region and an average of the pixel values of the background, calculating a largest difference between the average of the pixel values of the candidate region and the average of the pixel values of the background, and setting one of the candidate regions which exhibits the largest difference as the provisional region (column 29, lines 1-11).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

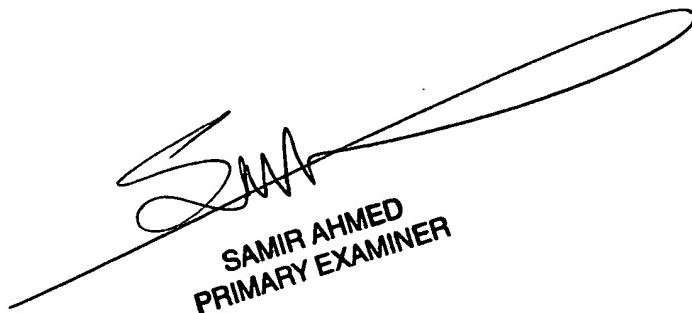
***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 571-272-7414. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL  
September 3, 2005



SAMIR AHMED  
PRIMARY EXAMINER

A handwritten signature of "SAMIR AHMED" is written over a stylized, swooping line. Below the signature, the words "PRIMARY EXAMINER" are printed in capital letters.